

Applicants: Paul Simmons et al.

Serial No.: 10/813,747

Filed: March 29, 2004

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicants directs the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**). Applicant notes that items 1 and 2 are a U.S. Patent and U.S. Patent Application Publication, respectively. Accordingly, under 37 C.F.R. §1.98(a)(2)(ii), copies of items 1 and 2 are not enclosed herewith. Copies of items 3-30 are enclosed herewith as **Exhibits 1-28** respectively.

1. U.S. Patent No. 5,405,772 issued to Ponting et al. on April 11, 1995;
2. U.S. Patent Application Publication No. 2007-0274958, published November 29, 2007, Shi et al. (U.S. Patent Application No. 10/553,633);
3. PCT International Publication No. WO 00/06701, published February 10, 2000; (**Exhibit 1**)
4. PCT International Publication No. WO 02/007679, published January 31, 2002; (**Exhibit 2**)
5. Barry, M. (2003) "Biology and Clinical Applications of Mesenchymal Stem Cells," Birth Defect Research (Part C) 69:250-256; (**Exhibit 3**)
6. Cassiede, P. et al. (1996) "Osteochondrogenic Potential of Marrow Mesenchymal Progenitor Cells Exposed to TGF- $\beta$ 1 or PDGF-BB as Assayed In Vivo and In Vitro," *Journal of Bone and Mineral Research* Vol. 11(9):1264-1273; (**Exhibit 4**)

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7. Chopp, M. and Li, Y. (2002) "Treatment of Neural Injury with Marrow Stromal Cells," The Lancet Neurology 1:92-100; **(Exhibit 5)**
8. Dennis JE, et al. (2002), "The STRO-1+ Marrow Cell Population is Multipotential," Cells Tissues Organs, 170:73-82; **(Exhibit 6)**
9. Finney, M.R. et al. (2006), "Direct Comparison of Umbilical Cord Blood versus Bone Marrow-Derived Endothelial Precursor Cells in mediating Neovascularization in Response to Vascular Ischemia," Biol. Blood and Marrow Transplant. 12:585-593; **(Exhibit 7)**
10. Fujii, S. et al. (2008), "Investigating a Clonal Human Periodontal Ligament Progenitor/Stem Cell Line in Vitro and In Vivo," J. Cell. Physiol. 215:743-749; **(Exhibit 8)**
11. Greenberger, J. and Keating, A. (1996) "The Hematopoietic Microenvironment," Keystone Symposium, Taos, New Mexico 14:366-367; **(Exhibit 9)**
12. Gronthos et al. (1996), "The Biology and Application of Human Bone Marrow Stromal Cell Precursors," Journal of Hematotherapy 5(1): 15-23; **(Exhibit 10)**
13. Hoerstrup SP et al. (2002), "Tissue Engineering of Functional Trileaflet Heart Valves From Human Marrow Stromal Cells." Circulation 106(Suppl):I-143-I150; **(Exhibit 11)**
14. Kang Yong Jung et al. (2004), "Involvement of PI-3-kinase, JNK, PKC, and PKA in the PDGF-induced

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proliferation in human adipose tissue-derived mesenchymal stem cells," Vol. 18(8) C253; **(Exhibit 12)**

15. Kassem, M. (2004) "Mesenchymal Stem Cells: Biological Characteristics and Potential Clinical Applications." *Cloning Stem Cells* 6:369-374; **(Exhibit 13)**
16. Le Blanc, K. and Ringden, O. (2005) "Immunobiology of Human Mesenchymal Stem Cells and Future Use in Hematopoietic Stem Cell Transportation," *Biology of Blood and Marrow Transplantation* 11:321-334; **(Exhibit 14)**
17. Murray et al. (1996) "Fetal Bone Marrow CD34<sup>+</sup>CD41<sup>+</sup> Cells are Enriched for Multipotent Hematopoietic Progenitors, but not for Pluripotent Stem Cells," *Exp. Hematol.* 24:236-245; **(Exhibit 15)**
18. Pan, Beiqing et al. (2004) "The nitrogen-containing bisphosphonate, zaledronic acid, increases mineralisation of human bone-derived cells in vitro," *Bone* 34:112-123; **(Exhibit 16)**
19. Summer, R. and Fine, A. (2008) "Mesenchymal Progenitor Cell Research: Limitations and Recommendations," *Proc. Am. Thorac. Soc.* 5:707-710; **(Exhibit 17)**
20. Yang XV, et al. (2006), "Evaluation of Human Bone Marrow Stromal Cell Growth on Biodegradable Polymer/Bioglass Composites," *Biochemical and Biophysical Research Communications* 342:1098-1107; **(Exhibit 18)**
21. International Preliminary Report on Patentability, issued by the International Bureau of WIPO on October 1, 2005 in connection with International Application No. PCT/AU2004/000416; **(Exhibit 19)**

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22. Extended European Search Report issued December 27, 2007 in connection with European Application No. 05787106.3; **(Exhibit 20)**
23. Supplementary European Search Report issued January 2, 2008 in connection with European Application No. 05754008.0; **(Exhibit 21)**
24. November 13, 2007 Office Action issued in connection with U.S. Serial No. 11/169,875; **(Exhibit 22)**
25. January 8, 2008 Office Action issued in connection with U.S. Serial No. 11/326,736; **(Exhibit 23)**
26. January 8, 2008 Office Action issued in connection with U.S. Serial No. 10/551,162; **(Exhibit 24)**
27. January 10, 2008 Final Office Action issued in connection with U.S. Serial No. 10/955,709; **(Exhibit 25)**
28. April 4, 2008 Office Action issued in connection with U.S. Serial No. 10/551,326; **(Exhibit 26)**
29. September 12, 2008 Office Action issued in connection with U.S. Serial No. 10/551,162; **(Exhibit 27)**
30. October 16, 2008 Office Action issued in connection with U.S. Serial No. 10/955,709; **(Exhibit 28)**
31. November 13, 2008 Office Action issued in connection with U.S. Serial No. 10/551,326; **(Exhibit 29)**
32. November 17, 2008 Office Action issued in connection with U.S. Serial No. 11/326,736; **(Exhibit 30)**

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- 33. November 26, 2008 Office Action issued in connection with U.S. Serial No. 11/169,875; **(Exhibit 31)**
- 34. June 22, 2009 Final Office Action issued in connection with U.S. Serial No. 10/551,162; **(Exhibit 32)**
- 35. June 23, 2009 Final Office Action issued in connection with U.S. Serial No. 11/169,875; **(Exhibit 33)** and
- 36. July 16, 2009 Final Office Action issued in connection with U.S. Serial No. 10/955,709. **(Exhibit 34)**

Applicants note that items 1, 6, and 14 were cited in connection with European Patent Application No. 05754008.0.

Applicants note that items 2, 3, and 4 were cited in connection with European Patent Application No. 04723937.1.

Applicants note that items 5, 7, 8, 13, 15, 16 and 19 were cited in connection with co-pending U.S. Serial No. 10/551,326.

Applicants note that items 5, 7, 15, 16 and 19 were cited and item 9 was disclosed in connection with co-pending U.S. Serial No. 11/326,736.

Applicants note that items 10 and 20 are post-filing date references disclosed hereinabove in connection with the subject application.

Applicants note that items 11, 12 and 17 were cited in connection with co-pending and related U.S. Serial No. 10/955,709, which names the same inventors and claims the same priority as the subject application.

Applicants note that item 18 was cited in connection with European Patent Application No. 05787106.3.

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Applicants note that items 21-35 are search reports or Office Actions issued in connection with co-pending or related applications.

The Examiner is respectfully requested to make of record each item listed on Form PTO-1449 Substitute by initialing and dating the attached Form PTO-1449 Substitute, and returning a copy of the initialed and dated form to applicants' undersigned attorney.

This Supplemental Information Disclosure Statement is being submitted under 37 C.F.R. §1.97(b)(4), after the filing of a request for continued examination under 37 C.F.R. §1.113. Accordingly, no fee is required for filing this Supplemental Information Disclosure Statement.

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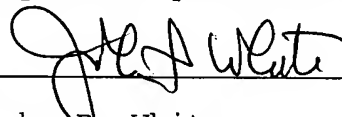
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the total enclosed \$470.00, including \$405.00 for filing a Request for Continued Examination and \$65.00 for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

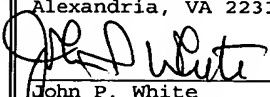
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
30 Rockefeller Plaza  
New York, New York 10112  
Tel. No. (212) 278-0400

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P.O. Box 1450  
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Reg. No. 28,678

  
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